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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 DAVID MUNGAI NJENGA,

11 Plaintiff,

12 v.

13 WARDEN NORTHWEST DETENTION  
14 CENTER, *et al.*,

15 Defendants.  
16

Case No. C08-5679 RJB/KLS

ORDER GRANTING  
PLAINTIFF'S REQUEST  
TO PROCEED *IN FORMA*  
*PAUPERIS* AND RE-  
REFERRING CASE TO  
MAGISTRATE JUDGE

17 This matter comes before the court on Magistrate Judge Karen L. Strombom's Report and  
18 Recommendation (Dkt. 4). The court has considered the relevant documents and the remainder of the file  
19 herein.

20 On November 12, 2008, the plaintiff filed a civil rights complaint with the court but failed to pay a  
21 filing fee or to file an application to proceed *in forma pauperis*. Dkt. 1. On November 17, 2008, the  
22 plaintiff was ordered to file an application to proceed *in forma pauperis* or pay the filing fee. Dkt. 2. In  
23 this case, the plaintiff has not responded to the court's order.

24 However, on February 27, 2009, the plaintiff filed another civil rights complaint (C09-5108 RJB-  
25 JRC) with the court, and the plaintiff subsequently filed an application to proceed *in forma pauperis* in  
26 that case. Dkt. 1; Dkt. 4. On April 4, 2009, Magistrate Judge J. Richard Creatura granted the plaintiff's  
27 application to proceed *in forma pauperis*. Dkt. 5. In the case before this court (C08-5679 RJB-KLS), the  
28 court should consider the plaintiff's *in forma pauperis* application filed in C09-5108 RBL-JRC as fulfilling

1 the requirements for an application to proceed *in forma pauperis* in this case (C08-5679 RJB-KLS). It  
2 appears that the plaintiff qualifies to proceed *in forma pauperis*, and the application should be granted.  
3 The Clerk is **DIRECTED** to file Docket 1 and Docket 4 from that matter (C09-5108-RJB-JRC) in this  
4 case (C08-5679 RJB-KLS).

5 Therefore, it is hereby

6 **ORDERED** as follows:

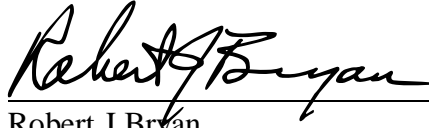
7 (1) Plaintiff's Request to Proceed *In Forma Pauperis* is **GRANTED**;

8 (2) The Report and Recommendation (Dkt. 4) is **MOOT**; and

9 (3) The matter, including any pending motions, is **RE-REFERRED** to Magistrate Judge Karen  
10 L. Strombom.

11 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any  
12 party appearing *pro se* at said party's last known address.

13 DATED this 29<sup>th</sup> day of April, 2009.

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16 Robert J Bryan  
United States District Judge